

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION

ROBERT DAVIS,)
)
Plaintiff,) Cause No.4-07-CV-00521-WRW
vs.)
)
UNION PACIFIC RAILROAD COMPANY,)
)
Defendant.)

**PLAINTIFF'S REQUEST FOR LEAVE TO FILE A SUPPLEMENTAL RESPONSE
IN OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY DISPOSITION**

COMES NOW Plaintiff Robert Davis, by and through counsel, and for his Request for leave to file a Supplemental Response in Opposition to Defendant Union Pacific's Motion for Summary Judgment and states as follows:

1. Plaintiff responded to Defendant's Motion for Summary Judgment on January 16, 2009.
2. At that time the deposition of Charles Cutrer, Defendant's Manager of Track Maintenance, was scheduled for January 26, 2009.
3. Subsequent to Plaintiff filing his Response and Motion in Support, Defendant requested and Plaintiff consented to an extension of time for them to file their Reply.
4. The supplementation of Plaintiff's Response will not prejudice Defendant.
5. The Supplemental Response is attached hereto.

WHEREFORE Plaintiff requests this Court allow it to supplement its Response to Defendant's Motion for Summary Disposition.

SCHLICHTER, BOGARD & DENTON

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of January, 2009 a true and correct copy of the above was filed electronically and delivered by United States First Class mail with postage prepaid to the following:

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/s Andrew S. Williams